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**ELECTRONICALLY FILED**  
**July 10, 2014**

11 Attorney for Debtors/Defendants  
12 ANTHONY THOMAS and WENDI  
13 THOMAS

14  
15 UNITED STATES BANKRUPTCY COURT  
16 DISTRICT OF NEVADA

17 —ooOoo—  
18 In Re: Case No. BK-N-14-50333-BTB  
19 ANTHONY THOMAS and Case No. BK-N-14-50331-BTB  
20 WENDI THOMAS, Chapter 11 Cases  
21 AT EMERALD, LLC, [Jointly Administered]

22 Debtors,  
23 \_\_\_\_\_ /

24 KENMARK VENTURES, LLC,

25 Plaintiff,

26 vs.

27 ANTHONY THOMAS and WENDI  
28 THOMAS,

Defendants.  
29 \_\_\_\_\_ /

30 Adv. Pro. No. 14-05022

**ANSWER TO COMPLAINT FOR  
DAMAGES AND TO DETERMINE  
DISCHARGEABILITY OF DEBT**

[11 U.S.C. §523(A)(2)]

30 Debtors/Defendants, ANTHONY THOMAS and WENDI THOMAS, by and through  
31 their undersigned counsel, Alan R. Smith, Esq., of the Law Offices of Alan R. Smith, hereby  
32 files their Answer To Complaint For Damages And To Determine Dischargeability Of Debt  
33 as follows:

## **I. JURISDICTIONAL ALLEGATIONS**

1. Defendants admit the allegations contained in paragraph 1.
2. Defendants admit the allegations contained in paragraph 2.
3. Defendants believe that no response is required to paragraph 3.
4. Defendants admit the allegations contained in paragraph 4.
5. Defendants admit the allegations contained in paragraph 5.

## II. PARTIES

8        6. Defendants are without sufficient information or knowledge with which to form a  
9 belief as to the truth or falsity of the allegations contained in paragraph 6, and therefore deny the  
10 same.

11        7. Defendants admit the allegations contained in paragraph 7, except to the second  
12 sentence regarding Wendi Thomas, wherein Defendants believe no response is necessary.

13        8. Defendants admit the allegations contained in paragraph 8

14        9. Defendants deny the allegations contained in paragraph 9.

15        10. Defendants deny the allegations contained in paragraph 10.

16        11. Defendants deny the allegations contained in paragraph 11.

### III. GENERAL ALLEGATIONS

18. Defendants deny the allegations contained in paragraph 12.

19. Defendants are without sufficient information or knowledge with which to form a  
20 belief as to the truth or falsity of the allegations contained in paragraph 13, and therefore deny the  
21 same.

22. Defendants deny the allegations contained in paragraph 14

23. Defendants are without sufficient information or knowledge with which to form a  
24 belief as to the truth or falsity of the allegations contained in paragraph 15, and therefore deny the  
25 same.

26. Defendants deny the allegations contained in paragraph 16.

27. Defendants deny the allegations contained in paragraph 17.

28. Defendants admit the allegations contained in paragraph 18, except the last

1 sentence referencing Exhibit A which Defendants deny.

2 19. Defendants deny the allegations contained in paragraph 19.

3 20. Defendants admit the allegations contained in paragraph 20.

4 21. Defendants deny the allegations contained in paragraph 21.

5 22. Defendants admit the allegations contained in paragraph 22.

6 **FIRST CLAIM FOR RELIEF**

7 **Money Damages for Breach of Settlement Agreement**

8 23. Defendants reallege and incorporate herein by this reference each of the  
9 statements contained in paragraphs 1 through 22 above as though fully set forth herein in full.

10 24. Defendants admit the allegations contained in paragraph 24.

11 25. Defendants admit the allegations contained in paragraph 25.

12 26. Defendants admit the allegations contained in paragraph 26.

13 27. Defendants admit the allegations contained in paragraph 27.

14 **SECOND CLAIM FOR RELIEF**

15 **Nondischargeability - Fraud (Intentional Misrepresentation)**

16 **[11 U.S.C. §523(a)(2)]**

17 28. Defendants reallege and incorporate herein by this reference each of the  
18 statements contained in paragraphs 1 through 27 above as though fully set forth herein in full.

19 29. Defendants deny the allegations contained in paragraph 29.

20 30. Defendants deny the allegations contained in paragraph 30.

21 31. Defendants deny the allegations contained in paragraph 31.

22 32. Defendants deny the allegations contained in paragraph 32.

23 33. Defendants deny the allegations contained in paragraph 33.

24 34. Defendants deny the allegations contained in paragraph 34.

25 35. Defendants are without sufficient information or knowledge with which to form a  
26 belief as to the truth or falsity of the allegations contained in paragraph 35, and therefore deny the  
27 same.

28 36. Defendants deny the allegations contained in paragraph 36.

1       37. Defendants are without sufficient information or knowledge with which to form a  
2 belief as to the truth or falsity of the allegations contained in paragraph 37, and therefore deny the  
3 same.

4 38. Defendants deny the allegations contained in paragraph 38.

### THIRD CLAIM FOR RELIEF

## **Nondischargeability - Fraud (Concealment)**

[11 U.S.C. §523(a)(2)]

8       39. Defendants reallege and incorporate herein by this reference each of the  
9 statements contained in paragraphs 1 through 38 above as though fully set forth herein in full.

10 40. Defendants deny the allegations contained in paragraph 40.

11 41. Defendants deny the allegations contained in paragraph 41.

12 42. Defendants deny the allegations contained in paragraph 42.

13 43. Defendants deny the allegations contained in paragraph 43.

14 44. Defendants deny the allegations contained in paragraph 44.

15        45. Defendants are without sufficient information or knowledge with which to form a  
16 belief as to the truth or falsity of the allegations contained in paragraph 45, and therefore deny the  
17 same.

18 ||| 46. Defendants deny the allegations contained in paragraph 46.

19 WHEREFORE, Defendants pray that Plaintiff take nothing by reason of its Complaint, and  
20 for the award of reasonable attorneys' fees and costs to Defendants.

21 || DATED this 10<sup>th</sup> day of July, 2014.

## LAW OFFICES OF ALAN R. SMITH

By: /s/ Alan R. Smith  
ALAN R. SMITH, ESQ.  
Attorney for Debtors/Defendants